

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, *et al.*,

Plaintiffs,

v.

TYSON FOODS, INC., *et al.*,

Defendants.

No. 4:05-cv-329-GKF-SH

PLAINTIFFS' UNOPPOSED MOTION FOR CONTINUANCE

Plaintiffs, the State of Oklahoma, *ex rel.* Gentner Drummond, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of Energy and Environment Ken McQueen, in his capacity as the trustee for natural resources for the State of Oklahoma (“State”), respectfully request this Court enter an order for a 31-day continuance of the Status/Scheduling Conference set for July 23, 2024 at 1:30 pm - setting the new status conference for August 23, 2024 at 2:30 pm. In support, the State submits the following:

1. On January 18, 2023, the court entered its Findings of Fact and Conclusions of Law, Doc. 2979, “find[ing] in favor of the State and against defendants on the State’s claims of statutory public nuisance, federal common law nuisance, trespass, for violation of 27A Okla. Stat. § 2-6-105, and for violation of 2 Okla. Stat. § 2-18.1.” Doc. 2979 at 213.

2. In the January 18, 2023 Findings of Fact and Conclusions of Law, the court ordered the parties to “meet and attempt to reach an agreement with regard to remedies to be imposed in this action.” *Id.*

3. On March 17, 2023, the court held a Status Conference wherein the parties requested a 90-day extension of the deadline to reach an agreement with regard to remedies. Doc. 2988. The court granted the request and directed the parties to file a joint status report on June 9, 2023.

4. On June 9, 2023, the parties filed a Joint Status Report advising the court that they wished to pursue mediation facilitated by retired Tenth Circuit Judge Deanell Reece Tacha. Doc. 2997.

5. On October 26, 2023, plaintiffs and defendants filed separate Status Reports advising the mediation had been unsuccessful. Doc. 3008; Doc. 3009. That same day, defendants filed a Motion to Dismiss. Doc. 3010.

6. On June 26, 2024, the court entered an Order denying the Motion to Dismiss and setting a Status/Scheduling Conference on Tuesday, July 23, 2024 at 1:30 pm. Doc. 3023.

7. The State believes that continuing the Status/Scheduling Conference set for July 23, 2024 will facilitate the resolution of this case, including for the following reason:

- a. The Attorney General has had direct involvement in this case, including through his involvement in the settlement negotiations, the March 17, 2023 Status Conference, and the mediation. The Attorney General desires to continue participating directly in this case, and his involvement will advance the aim of reaching a resolution that would include one or more remedies to address the State's concerns. A scheduling conflict would prevent the Attorney General from attending the Status/Scheduling Conference on July 23, 2024. If the court grants the requested Continuance, the Attorney General intends to appear for the State at the Status/Scheduling Conference.

8. On or about July 10, 2024, counsel for the State contacted counsel for defendants concerning this motion. Counsel for the State is authorized to represent that counsel for defendants does not object to the requested relief.

For the foregoing reasons, the State respectfully requests the court enter an order continuing the Status/Scheduling Conference set for July 23, 2024 for 31 days - setting the new Status/Scheduling Conference for August 23, 2024.

Respectfully Submitted,

s/ Jennifer L. Lewis

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of July, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants with entries of appearance filed of record.

s/ Jennifer L. Lewis
Jennifer L. Lewis